

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: PERRELLA, Frank W.

Group Art Unit: 1711

Serial No. 10/718,840

Examiner: ASINOVSKY, Olga

Filed: 11/21/2003

Atty. Dkt. No: SHINE001-US

For: **CROSSLINKING POLYMER COMPOSITION FOR THIN FILM RUBBER
PRODUCTS (as amended)**

To: **SPECIAL PROCESSING SUBMISSION**
Mail Stop 313(c)
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

FAX RECEIVED

MAY 26 2005

24222**OFFICE OF PETITIONS**

CERTIFICATE OF FACSIMILE 37 CFR 1.8: I hereby certify that these materials are being sent to SPECIAL PROCESSING SUBMISSION, Mail Stop 313(c), Commissioner for Patents at facsimile number: 571.273.0025 on the date shown below.

Date: May 26 2005

[] Debra A. Stengel or [x] Scott J. Asmus, Reg. #42,269

Commissioner:

PETITION UNDER RULE 37 CFR §1.313

The Applicant respectfully requests that the above-identified patent application be withdrawn from issuance for the reasons set forth herein. Applicant also respectfully requests the Office to Expressly Abandon the application per the Express Abandonment filed concurrently with this Petition and transmitted to Mail Stop Express Abandonment at facsimile no. 703.305.8568. Enclosed herein are the following:

- a) Statements with reasons why withdrawal of the application from issue is necessary;
- b) Petition fee set forth in § 1.17(h) as noted in Fee Transmittal PTO/SB/17; and
- c) Credit Card Payment Form PTO-2038.

STATEMENTS

Pursuant to the guidelines of the MPEP 1308 and in accordance with 37 CFR §1.313, Applicant respectfully requests permission to withdraw the referenced patent application from issuance. The Issue Fee was paid on April 13, 2005 and a speedy review and grant is requested. The present application was previously published as U.S. Published Application No. 20050113527.

Applicant is Shinemound Enterprises Inc., being the assigned owner of the patent application referenced herein. Applicant requests permission to withdraw the patent application from issuance and further requests that the application be expressly abandoned. Without prejudice, Applicant wishes to abandon the application and does not wish to file a continuation application.

Subsequent to the filing of the Issue fee, a review of the PCT Search Report and the European Search Report identified several references not previously considered by the U.S. Patent Office. According to the European Search Report, one of the references was considered to be 'particularly relevant if taken alone' and two other references were considered to be 'particularly relevant if combined with another' reference. The mere existence of these materials shall not be considered to be an admission that the information cited in the European Search Report is, or is considered to be, material to patentability as defined in 37 CFR 1.56. However, the Applicant also believes that this withdrawal is necessary to ensure the quality and integrity of the patent system and establishes good and sufficient reasons for the necessity of withdrawal of the application from issuance.

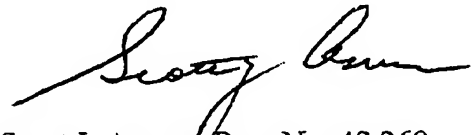
As noted in 37 CFR §1.56, the "public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability." In addition, the duty to disclose information exists with respect to each pending claims until the claim is cancelled or withdrawn from consideration or the application becomes abandoned.

Applicant respectfully requests that the Office withdraws the application from issue. Applicant further requests that the Office grant the Express Abandonment once said application is withdrawn. The Express Abandonment was submitted concurrently with this petition to Mail Stop Express Abandonment to facsimile number 703.305.8568.

It is believed that all appropriate materials for the petition including sufficient cause are submitted herewith, however if there are any questions or comments, please call the under-signed attorneys.

DEPOSIT ACCOUNT 500323 AUTHORIZATION – All necessary fees relating to the attached submittal, if any, are intended to be included. However, the Office is hereby authorized to charge any deficiency or credit any overpayment in the fees relating to the attached submittal to the below listed deposit account, registered to Vernon C. Maine P.L.L.C., dba Maine & Asmus, contact telephone no. 603-886-6100. Deposit Account No. **500323**.

Respectfully submitted,



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